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IT IS SO ORDERED.

Dated: September 29, 2017



ALAN M. KOSCHIK  
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

In re	)	
	)	Case No. 15-52933
JAMES RONALD BURNS,	)	
	)	Chapter 7
Debtor.	)	
	)	Adversary Proceeding No. 16-05025
_____	)	
	)	
ELIZABETH DUERR,	)	Judge Alan M. Koschik
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
JAMES RONALD BURNS,	)	
	)	
Defendant.	)	
	)	

**ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT'S  
MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM**

Consistent with the Memorandum Decision (Docket No. 22) entered by this Court on September 29, 2017, and the findings and conclusions stated therein,

**IT IS HEREBY ORDERED THAT:**

1. The Motion to Dismiss (Docket No. 7) (the “Motion”) is **GRANTED IN PART** and **DENIED IN PART**.

2. The Motion is **GRANTED** and the Complaint is **DISMISSED** to the extent it seeks a nondischargeable judgment (i) pursuant to 11 U.S.C. § 523(a)(2)(A), or (ii) for fraud or defalcation by a fiduciary pursuant to 11 U.S.C. § 523(a)(4).

3. The Motion is **DENIED** with respect to the Complaint’s request for nondischargeable judgments for (i) embezzlement or larceny pursuant to 11 U.S.C. § 523(a)(4), or (ii) willful and malicious injury pursuant to 11 U.S.C. § 523(a)(6).

4. Pursuant to Federal Rule of Civil Procedure 15(a)(2), incorporated into bankruptcy practice by Federal Rule of Bankruptcy Procedure 7015, the Plaintiff is **GRANTED LEAVE TO AMEND** her Complaint on or before **Friday, October 27, 2017**. Pursuant to Rule 15(a)(3), the Defendant shall have until 14 days after service of any amended Complaint to respond.

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